

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

**304-35713-US (D5407-216)**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on 11/30/2006

EV878913594US

Signature

Typed or printed name Tracie Thigpen

Application Number

**10/395,205**

Filed

**10/28/2003**

First Named Inventor

**Bennett M. Richard**

Art Unit

**3726**

Examiner

**Jermie E. Cozart**

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the



applicant/inventor.



assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

attorney or agent of record. **42,851**

Registration number



attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

Signature

**Gary R. Maze**

Typed or printed name

**713.402.3917**

Telephone number

**11/30/2006**

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bennett M. Richard	§	Examiner:	Jermie E. Cozart
		§		
Serial No.:	10/695,205	§	Group Art Unit:	3726
		§		
Filing Date:	10/28/2003	§	Attorney Docket No.:	D5407-216
		§		
Title:	Downhole Screen	§		
	Manufacturing Method	§		

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

All the formal issues in the case have been resolved with the entry of the Amendment After Final Rejection leaving the issue of the rejection of claims 1, 2, 4, 6-8 as anticipated over Echols USP 6,941,652 and claims 12-14 rejected as obvious over Echols.

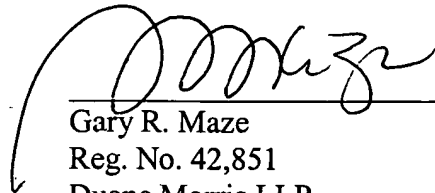
It is clear that claim 1 is a method of manufacturing a filter rather than a method of using a fully assembled filter. The Echols reference uses no expansion in the assembly of the base pipe to the filter media. Rather it uses welds 58. Echols runs the assembled filter in the hole and expands it, but the method of claim 1 is about assembly of a filter before it is used. The fact that Echols expands from the base pipe after welding the filter together before run in does not make it an anticipatory reference.

Echols welds the filter 40 to the shroud 42 and then rolls that assembly into a cylinder and seam welds that assembly (column 6 lines 27-32). After that the base pipe 38 is inserted in the welded assembly of the filter and shroud and annular welds 58 hold the screen and shroud to the base pipe. While Echols' assembly is expanded downhole

from the base pipe, the filter is already attached to the base pipe when expansion happens. The method of claim 1 is to use expansion to secure the filter to the base pipe. In Echols, the filter is already secured by welding before any expansion happens. Echols does not anticipate claim 1.

Respectfully submitted,

11/30/2006



Gary R. Maze  
Reg. No. 42,851  
Duane Morris LLP  
3200 Southwest Freeway, Suite 3150  
Houston, TX 77027  
Phone: 713.402.3900  
Fax: 713.402.3901

**CERTIFICATE OF MAILING 37 CFR 1.10**

I hereby certify that this correspondence along with any referred to as attached or enclosed is being deposited with the United States Postal Service as Express Mail, Label No. EV878913594US, postage prepaid in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 11/30/2006.



Tracie Thigpen

DM21888203.1